



Food Act 1984

1984 CHAPTER 30

[^{F1}PART I

FOOD GENERALLY

[^{F1} Ice-cream, horseflesh and shellfish

Textual Amendments

- F1** Pts. I, II (ss. 1–49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59, Sch. 4 paras. 7, 8, [Sch. 5](#) (but (3.4.1992) as regards ss. 16–20; [S.I. 1992/57, art. 2](#) and not coming into force as regards s.13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#))

27 Sale of ice-cream from stalls etc.

- (1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sales, ice-cream—
- from a stall or vehicle, or
 - from a container used without a stall or vehicle,
- shall have his name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be, and, if he fails to comply with the requirements of this section, shall be liable to a fine not exceeding level 1 on the standard scale.
- (2) A local authority may at any time resolve that, as from such date, not being less than 4 weeks from the date of the passing of the resolution, as may be there specified and until the resolution is revoked, this section shall apply within their district in relation—
- to all kinds of food, or
 - to any kinds of food specified in the resolution,
- as it applies in relation to ice-cream, and while any such resolution is in force this section shall apply accordingly.

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Nothing in this subsection has effect in relation to milk.

- (3) A local authority shall forthwith give notice to the Secretary of State of the passing or revocation of a resolution under this section and shall take such steps as he may direct for publishing notice of the coming into operation, or revocation, of any such resolution.

28 Prevention of spread of disease by ice-cream.

- (1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any disease to which this subsection applies among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice of the occurrence to the local authority for the district and, if he fails to do so, shall be liable to a fine not exceeding level 1 on the standard scale.
- (2) Subsection (1) applies to the diseases specified in Schedule 1 and any other disease which the Secretary of State may by order declare to be a disease to which that subsection applies.
- (3) If the proper officer of a local authority has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any disease communicable to human beings, he may give notice to the person in charge of it that, until further notice, the ice-cream or substance in question, or any specified portion of it, is not to be used for human consumption and either—
- (a) is not to be removed; or
 - (b) is not to be removed except to some place specified in the notice.

A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding level 5 on the standard scale.

- (4) If on further investigation the proper officer of the local authority is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice; but, if he is not so satisfied—
- (a) he shall cause it to be destroyed, and
 - (b) he shall also cause to be destroyed any other ice-cream or such substance as mentioned above then on the premises as to which he is not so satisfied.
- (5) Where a notice given under subsection (3) is withdrawn by the proper officer of the local authority, or the proper officer acting under subsection (4) causes any ice-cream or other substance to be destroyed, the local authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the proper officer or, as the case may be, for the loss of its value.
- (6) As to compensation under this section—
- (a) no compensation shall be payable in respect of the destruction of any ice-cream or substance if the local authority prove that it was likely to cause any disease communicable to human beings;
 - (b) no compensation shall in any case be payable—
 - (i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under subsection (3) with respect to anything on those premises was operative, or

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- (ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which he was required by subsection (1) to give.

For the purposes of this subsection, the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

29 Sale of horseflesh.

- (1) A person is guilty of an offence who—
 - (a) sells, or
 - (b) offers or exposes for sale, or
 - (c) has in his possession for the purpose of sale, any horseflesh for human consumption elsewhere than—
 - (i) in premises, or
 - (ii) in a stall, vehicle or place, over or on which a notice in legible letters stating that horseflesh is sold there is displayed in a conspicuous position so as to be visible whenever horseflesh is being sold, or offered or exposed for sale.
- (2) A person is guilty of an offence who supplies horseflesh for human consumption to a purchaser—
 - (a) who has not asked to be supplied with horseflesh; or
 - (b) who has asked to be supplied with some compound article of food not ordinarily made of horseflesh.
- (3) If any horseflesh is exposed for sale elsewhere than in premises, or in a stall, vehicle or place, distinguished as mentioned above without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.
- (4) In this section “horseflesh” means the flesh of horses, asses and mules, and includes any such flesh—
 - (a) whether cooked or uncooked, and
 - (b) whether alone, or accompanied by, or mixed with any other substance, and “flesh” includes any part of any such animal.

30 Cleansing of shellfish.

- (1) A county council or a local authority—
 - (a) may provide, whether within or without their county or district, tanks or other apparatus for cleansing shell-fish; and
 - (b) may make charges in respect of the use of any tank or other apparatus so provided.
- (2) A county council or a local authority may contribute towards the expenses incurred under this section by any other council or any joint committee, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shellfish.

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- (3) Any expenses incurred by a county council under this section shall, if the Secretary of State by order so directs, be defrayed as expenses for special county purposes chargeable upon such part of the county as may be provided by the order.
- (4) In this section “cleansing shellfish” includes the subjection of shellfish to any germicidal treatment.
- (5) Nothing in this section authorises the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions as may before the work is commenced be approved by the Secretary of State.]

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